

¹ Appellant filed several requests for reconsideration after July 30, 2003. The Office has not issued a final decision on these requests for reconsideration.

FACTUAL HISTORY

This is the second appeal before the Board. On January 17, 1998 appellant, a 54-year-old distribution clerk, filed a claim based on an emotional condition. By decision dated August 19, 1998, the Office denied his claim. By decisions dated December 21, 1998, June 14, 1999 and May 24, 2000, the Office denied the claim on reconsideration. In an August 9, 2002 decision,² the Board affirmed the Office's decisions. The complete facts of this case are set forth in the Board's February 16, 1999 decision and are herein incorporated by reference.

By letter dated June 18, 2003, appellant's attorney requested reconsideration. Appellant submitted a copy of the Board's August 9, 2002 decision which contained handwritten annotations to various findings and conclusions made by the Board.

By decision dated July 30, 2003, the Office denied appellant's application for review on the grounds that it neither raised substantive legal questions, nor included new and relevant evidence sufficient to require the Office to review its prior decision.

LEGAL PRECEDENT

Under 20 C.F.R. § 10.606(b), a claimant may obtain review of the merits of his or her claim by showing that the Office erroneously applied or interpreted a specific point of law; by advancing a relevant legal argument not previously considered by the Office; or by submitting relevant and pertinent evidence not previously considered by the Office.³ Evidence that repeats or duplicates evidence already in the case record has no evidentiary value and does not constitute a basis for reopening a case.⁴

ANALYSIS

In the present case, appellant has not shown that the Office erroneously applied or interpreted a specific point of law; he has not advanced a relevant legal argument not previously considered by the Office; and he has not submitted relevant and pertinent evidence not previously considered by the Office. The evidence appellant submitted is not pertinent to the issue on appeal. The annotated copy of the Board's August 9, 2002 decision which appellant submitted with his reconsideration request consisted of arguments that were previously made and rejected by the Office and the Board in prior decisions and is, therefore, cumulative and repetitive. Moreover, the annotated decision did not present any additional evidence pertaining to the relevant issue of an emotional condition. The Board has held that the submission of evidence which does not address the particular issue involved in the case does not constitute a basis for reopening the claim.⁵ Appellant's reconsideration request failed to show that the Office erroneously applied or interpreted a point of law, nor did it advance a point of law or fact not

² Docket No. 00-2660 (issued August 9, 2002).

³ 20 C.F.R. § 10.606(b)(1); *see generally* 5 U.S.C. § 8128(a).

⁴ *Howard A. Williams*, 45 ECAB 853 (1994).

⁵ *See David J. McDonald*, 50 ECAB 185 (1998).

previously considered by the Office. The Office did not abuse its discretion in refusing to reopen appellant's claim for a review on the merits.

CONCLUSION

The Board finds that the Office did not abuse its discretion by refusing to reopen appellant's case for further review on the merits of his claim under 5 U.S.C. § 8128(a).

ORDER

IT IS HEREBY ORDERED THAT the July 30, 2003 decision of the Office of Workers' Compensation Programs be affirmed.⁶

Issued: January 3, 2005
Washington, DC

Colleen Duffy Kiko
Member

David S. Gerson
Alternate Member

Willie T.C. Thomas
Alternate Member

⁶ Appellant's attorney submitted a letter dated August 26, 2003 requesting reconsideration of the July 30, 2003 decision. By letter dated May 25, 2004, the Office advised appellant that it could not consider the request because it did not comply with any of the three forms of appeal afforded appellant with the attached decision.